

United States District Court

Case No. _____
(To be filled out by Clerk's Office only)

Matthew Katona

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 2023-00793

COMPLAINT

(Pro Se Prisoner)

-against-

Joseph Algar, Ashley Rzesewski, Shane Schneider,
Daniel Murgia, Officer Salrona, Corporal Matthew Wero,
Detective Kyle VanDote, all employed by the
(Mount Pocono Regional Police Department)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Jury Demand?

☒ Yes

☐ No

**FILED
SCRANTON**

APR 19 2024

PER

CP
DEPUTY CLERK

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only* the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Rev. 5/2017 Prisoner Complaint

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Matthew Katana
Name

2023-00793
Prisoner ID #

Lackawanna County Prison
Place of Detention

1371 N. Washington Ave
Institutional Address

Scranton
City

PA.
State

18509
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

Rev. 5/2017 Prisoner Complaint

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Joseph Algar

Name

Police Officer

Current Job Title

Mt. Pocono Regional Police Dept.

Current Work Address

Towhanna

City

PA.

State

18466

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ BothDefendant 2: Ashley Bzesevski

Name

Police Officer

Current Job Title

Mt. Pocono Regional Police Dept

Current Work Address

Towhanna

City

PA.

State

18466

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Rev. 5/2017 Prisoner Complaint

Defendant(s) Continued

Defendant 3: Shane Schneider

Name

Police officer

Current Job Title

Mt. Pocono Regional Police Dept.

Current Work Address

Tobyhanna

City

PA

State

18466

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ BothDefendant 4: Daniel Margia

Name

Police officer

Current Job Title

Mt. Pocono Regional Police Dept.

Current Work Address

Tobyhanna

City

PA

State

18466

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ BothDefendant 5: Officer - Salama

Name

Police officer

Current Job Title

Mt. Pocono Regional Police Dept.

Current Work Address

Tobyhanna

City

PA

State

18466

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 6: Matthew Nero

Name

Corporal / Police officer

Current Job Title

Mt. Pocono Regional Police Dept.

Current work Address

Tobothanna PA 18466

CITY State ZIP Code

Capacity in which being sued: ☐ Individual, ☐ Official, ☒ Both

Defendant 7: Kyle VanNote

Name

Detective / Police officer

Current Job Title

Mt. Pocono Regional Police Dept.

Current work Address

Tobothanna PA 18466

CITY State ZIP Code

Capacity in which being sued: ☐ Individual, ☐ Official, ☒ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: 523 Graham Ln. Tobyhanna, PA. 18466Date(s) of occurrence: Feb. 19, 2013

State which of your federal constitutional or federal statutory rights have been violated:

My 4th and 14th Amendment United States Constitutional rights have been violated.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

On the Date of occurrence the Plaintiff was asleep on his couch at the Place of occurrence. The Plaintiff's girlfriend Ryan Jagger gave officer Joseph Algar permission to enter and informed him that the Plaintiff was asleep and unarmed on the couch in plain view of the front door.

Corporal Matthew Nero, attacked the Plaintiff with K-9 creed while the Plaintiff was asleep. "Nero" then punched the Plaintiff in the face numerous times and slammed the Plaintiff's face off the floor causing injury to Plaintiff's left arm (K-9 bites/scars and bruised face). Officers Algar had left arm while Murgio had his right arm, both ~~officer~~ officers failed to intervene in regards of Corporal Nero and his excessive force of Plaintiff officer's Algar and Murgio while bending the Plaintiff's arm were both elbowing the Plaintiff's face and head while cursing at him. Corporal Nero failed to intervene on the excessive force by officers Algar and Murgio.

Defendant Ashly Arszewski failed to intervene in the excessive force by officers Nero, Algar and Murgio.

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What
happened
to you?

officer Shane Schneider also failed to intervene on the excessive force by officers Nervo, Algar and Murgio. officer Salzona failed to intervene on the excessive force by officers Nervo, Algar and Murgio. Detective Kyle VanNote also stood by and failed to intervene while officers Nervo, Algar and Murgio used excessive force against the Defendant.

The Plaintiff was not fleeing from police, or in the process of committing a crime, or posed any threat towards the officers.

The Mishandling of K-9 Creed by Defendant Nervo was excessive and unnecessary.

When did it
happen to
you?

Plaintiff was transferred to the Lehigh Valley hospital by EMS and treated for injuries pertaining to dog bites and others pertaining to the assault by the officers.

Where did it
happen to
you?

It states in the reports that all officers got ready to enter the Plaintiff's home and even had EMS on stand by. So all officers had the opportunity to stop Nervo from using the K-9. Also by having EMS on stand by, that shows that the officer's planned on hurting the Plaintiff.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☐ Yes ☒ No

If no, explain why not:

This is Not a complaint that requires me to file a
grievance. my rights were violated while i wasn't
incarcerated.

Is the grievance process completed?

☐ Yes ☐ No

If no, explain why not:

I was not incarcerated at the time of incident

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- 1- corporal Matthew Nero to be fired/terminated for him
violating the Plaintiff's rights and for him to pay the Plaintiff
\$50,000 in compensatory damages and \$200,000 in punitive damages.
- 2-Officer Joseph ~~Algar~~ Algar to be fired/terminated and for
him to pay the Plaintiff \$50,000 in compensatory damages and
\$100,000 in punitive damages.
- 3-Officer ~~K-a~~ K-a Creed to be "Put down"/~~be~~ terminated from
being an active K-a.

4- officer Ashley Rzesewski, to be fired/terminated for her violating the Plaintiff's rights and for the Defendant to pay the Plaintiff \$25,000 in Compensatory Damages and \$50,000 in Punitive Damages

5- For all officers/Defendants - Shane Schneider, Daniel Murgia, officer Saloma, and Detective Kyle VanDote, to be fired/terminated and to pay the Plaintiff each \$25,000 in Compensatory Damages and \$50,000 Punitive Damages...

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28

U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 1

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Matthew Katona v. Donna Asure, et al.

U.S. Dist Court, Middle Dist of PA.

Civil Action No- 1:11-CV-1817

settled at mediation

Judgement was entered in favor of Plaintiff

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

~~XXXXXXXXXX~~ 4-10-24
Dated

Matthew Katona
Plaintiff's Signature

Matthew Katona
Printed Name

2023-00793
Prison Identification #

Lackawanna County Prison, Scranton PA. 18509
Prison Address City State Zip Code

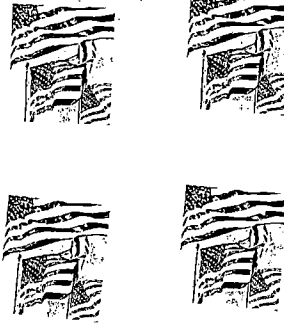
Matthew Katona

2023-00793

Lackawanna County Prison

1371 N. Washington Ave

Scranton, PA 18509



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APR 19 2024

PER DJ
DEPUTY CLERK

office of the clerk

U.S. District Court

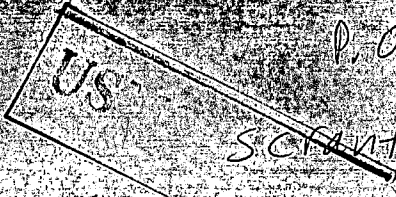
Middle District of Pennsylvania

235 N. Washington Ave

P.O. Box 1148

Scranton, PA 18501-1148

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